

IN RE: MARIA IVETTE ORTIZ RIVERA

Bankruptcy Number: 14-00792-BKT
Chapter 13

STANDING CHAPTER 13 TRUSTEE §341 MEETING MINUTES AND REPORT ON CONFIRMATION

Petition Filing Date: 02/05/2014

First Meeting Date: 03/12/2014 at 1:00PM

Days From Petition Date: 35

341 Meeting Date: 03/12/2014 at 1:00PM

910 Days Before Petition: 08/10/2011

Confirmation Hearing Date: 04/11/2014 at 2:30PM

Chapter 13 Plan Date: 02/05/2014 ☐ Amended

Plan Base: \$29,800.00 Plan Docket #2

This is Debtor(s) 1 Bankruptcy petition.

This is the 1 scheduled meeting.

Payment(s) ☒ Received or ☐ Evidence shown at meeting:

Total Paid In: \$380.00

Check/MO# _____

Date: _____ Amount: \$ _____

*APPEARANCES: ☐ Telephone ☐ Video Conference

Debtor: ☒ Present ☐ Absent ☒ ID & Soc. OK

Joint Debtor: ☐ Present ☐ Absent ☐ ID & Soc. OK

☒ Examined ☐ Not Examined under Oath

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Attorney for Debtor(s): ☐ Not Present ☒ Present

Name of Attorney Present (Other than Attorney of Record): _____

☐ Pro-se

☐ Creditor(s) Present ☒ None

*ATTORNEY FEES AS PER R 2016(b) STATEMENT:

Attorney of Record: ROBERTO FIGUEROA CARRASQUILLO*

Total Agreed: \$3,000.00 Paid Pre-Petition: \$169.00 Outstanding (Through the Plan): \$2,831.00

*TRUSTEE'S REPORT ON CONFIRMATION & STATUS OF §341 MEETING

Debtor(s) Income is (are) ☐ Under ☒ Above Median Income

Liquidation Value: \$ 0.00

Commitment Period is ☐ 36 months ☒ 60 months §1325(b)(1)(B)

Projected Disp. Inc.: \$ \$16,275.60

The Trustee: ☐ NOT OBJECTS ☒ OBJECTS Plan Confirmation Gen. Uns. Approx. Dist.: 40.18 %

§341 Meeting ☐ CONTINUED ☐ NOT HELD ☒ Document HELD OPEN FOR ____ DAYS

§341 Meeting Rescheduled for: _____

Comments:

*TRUSTEE'S OBJECTIONS TO CONFIRMATION: NOTICE: LBR 3015-2(c)(6) The debtor must within seven (7) days after service of the objection file either: (A) an amended plan that addresses each objection; or (B) a reply setting forth the facts and legal arguments that give rise to the reply in sufficient detail to allow each objector, if possible, to reconsider and withdraw its objection.

[1322(b)(1)] Discriminate unfairly against a designated class.

Debtor intends to protect a co debtor. Evidence of a co debtor in CFSE's loan is yet to be presented.

[1325(b)(1)(B)] Projected Disposable Income – Debtor(s) fails to apply projected disposable income, to be received during applicable commitment period, to make payments to unsecured creditors under the plan. [1322(a)(1)]

- Fails to disclose income.

Debtor can only retain up to \$1,200.00 of his Christmas Bonus. Any excess over said amount must be surrendered on a yearly to fund the plan. Debtor's Bonus averages \$3,325.00 gross or \$2,804.64 net. Evidence of Christmas Bonus was presented.

Debtor's spouse's income (gross) totals \$3,718.84 as per evidence submitted.
Debtor's plan fails to include a step up on February 2018 in the amount of \$400.00 (monthly payment \$464.00) upon the maturity date of the retirement loan.

Debtor's plan fails to include a step up upon the maturity of the vehicle loan (March 2018) in the amount of \$500.00 (\$592.00 monthly payment).

*OTHER COMMENTS / OBJECTIONS

Debtor will upload local tax return for year 2013.

Means Test errors: line 27 should read 2 or more.

Also there is a difference in over all income between what was listed and what is revealed by pay stubs of \$198.23.

Line 47 should be amended to remove AEELA, CoopFondo for they are shares.

These changes generate a disposable income of \$271.26 or a pool of \$16,275.60.

The Trustee objects the 24 month term for the \$7,000.00 lump sum payment. Debtor should have said funds in the next 6 months.

Debtor intends to request the liquidation of 8 sick days in order to "get her finances together". The Trustee does not approve said liquidation.

/s/ Jose R. Carrion, Esq.

Meeting Date: Mar 12, 2014

Trustee

/s/ Nannette Godreau, Esq.

Presiding Officer

